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NATIONWIDE MUTUAL INSURANCE
16 COMPANY
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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

20 FRANK FOSTER, PHILLIP WAMOCK,
individually and on behalf of all others
21 similarly situated, and on behalf of the
general public,
22

Plaintiff,

v.

24 NATIONWIDE MUTUAL INSURANCE
25 COMPANY,
26

Defendant.

Case No. C3:07-CV-4928

DECLARATION OF JANELLE MIKUSA
IN SUPPORT OF NATIONWIDE'S
MOTION TO TRANSFER VENUE

Date: December 18, 2007
Time: 9:00 a.m.
Court: 10

Before the Honorable Susan Illston

1 I, Janelle Mikusa, hereby declare under penalty of perjury pursuant to 28
2 U.S.C. § 1746 that the following is true and correct based upon personal knowledge. I make this
3 declaration in support of Nationwide Mutual Insurance Company's Motion To Transfer Venue.

4 1. I am currently employed by Nationwide Mutual Insurance Company
5 ("Nationwide" or the "Company") as a Human Resources Director supporting the Company's
6 Special Investigative Unit.

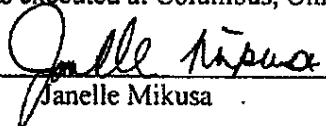
7 2. As Human Resources Director, I have records regarding the residential
8 addresses of the Special Investigators whom Nationwide employs. I likewise have access to records
9 regarding the counties in which Special Investigators have been assigned claims to investigate.
10 These records are kept in the normal course of business.

11 3. According to Nationwide's records, Foster has resided in Placer County,
12 California continuously since 2002. Specifically, since July 17, 2003, Foster resided at 2931 Fox
13 Den Circle in Lincoln, California. Prior to that, and since October 21, 2002, Foster resided at 1149
14 Barnswood Loop in Lincoln, California.

15 4. I have reviewed a list of the nineteen individuals, including Mr. Foster and
16 Mr. Wamock, who have joined this lawsuit as of today. According to Nationwide's records, none of
17 these nineteen have resided in any of the counties named in paragraph 5, below.

18 5. I reviewed records that show in what counties Frank Foster has been assigned
19 claims to investigate since September 1, 2003. From my review of these records, approximately 400
20 claims have been referred to Mr. Foster for investigation since September 1, 2003. Of this amount,
21 two referrals were located in Humboldt County, three in Mendocino County, seven in Sonoma
22 County, one in Marin County, two in Napa County, one in Contra Costa County, four in Alameda
23 County and five in Santa Clara County. The records show that Mr. Foster received no referrals of
24 claims to investigate in Del Norte, Lake, San Francisco, San Mateo, Santa Cruz, San Benito and
25 Monterey counties.
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1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct and that this declaration was executed at Columbus, Ohio.

3 
4 Janelle Mikusa

5 Dated: 11-29-07
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